



WP.No.5357/2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5357 of 2020

P.Loganathan

...Petitioner

VS.

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer,
RDO Office,
Opposite to Government Arts College,
Udumalpet, Tiruppur District.

3.The Executive Engineer,
TANGEDCO,
Udumalpet, Tiruppur District.

4.The Superintendent Engineer,
PWD, WRO,
Paramikulam Aliyar,
Basin Circle, Pollachi.

5.The Panchayat President,
Periyapappanuthu Village,
Udumalpet Taluk, Tiruppur District.

6.Thangavel
7.Senthil Kumar



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8.Muruganandham
9.Thirunavakarasu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 not to grant track rent permit to the respondents 6 to 9 for drawing of ground water within Periyapappanathu Panchayat limits by considering the Petitioner's representation dated 24.01.2020 and 29.01.2020 in the light of the resolution dated 26.01.2020 passed by the 5th respondent.

For Petitioners : Ms.R.Rebecca Vasanthini Perey
for Mr.D.R.Arun Kumar

For R1, R2, R4 & R5 : Mr.G.Ameedias, GA

For R3 : No appearance

For RR6 to 9 : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

ORDER

The writ petition has been instituted to direct the respondents 1 and 2 not to grant track rent permit to the respondents 6 to 9 for drawing of ground water within Periyapappanathu Panchayat limits by considering the representation submitted by the writ petitioner on 24.01.2020 and 29.01.2020.



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2.The grievance of the writ petitioner is that illegal tapping of water is being done surreptitiously by few persons in that locality. On account of such illegal extraction of bore well water, the people of that locality are not getting adequate water from the ground for drinking purposes. The water level is going down on account of extraction of water for commercial purposes. In view of the fact that no action was taken by the District Collector with reference to the allegations set out in the representation, the petitioner has chosen to file the writ petition.

3.The learned senior counsel appearing on behalf of the respondents 6 to 9 made a submission that there is no such illegal extraction of ground water from that locality by the respondents 6 to 9, more specifically, for commercial purposes. The water is being extracted for irrigation purposes as per the guidelines issued by the Government.

4.However, the authorities competent are bound to conduct the inspection and ascertain the legality of the extraction of ground water by the persons in that locality. Water being a scarce as of now, the extraction of water even for commercial purposes has to be regulated. Already,



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Government regulations are in force and any such extraction of water for commercial purposes are to be done only by obtaining due approval/permission from the competent authority.

5. Therefore, the respondents 1 to 4 are directed to conduct an inspection in respect of the allegations set out by the petitioner and ascertain the legality of the water extraction by all the persons in that locality. If there is any illegalities or irregularities are identified, all suitable actions are to be taken in the manner contemplated in law. With these directions, the Writ Petition stands disposed of. No costs.

03.01.2024

Tsg

Index : Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order



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To
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S.M.SUBRAMANIAM , J.

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